

## CHAPTER 455 NATUROPATHY

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**§455-1 Definitions.** As used in this chapter:

"Board" means the board of examiners in naturopathy.

"Department" means the department of commerce and consumer affairs.

"Diagnosis" means using all recognized and accepted physical and laboratory diagnostic procedures including the taking of blood for diagnostic purposes.

"Homeopathic" means minute doses of natural medicine.

"Natural medicine" encompasses substances of botanical, mineral, and animal origin, homeopathic preparations thereof, and substances whose natural state has been improved by any process that does not substantially alter the molecular structure found in nature, including vitamins, minerals, and amino acids; excluding prescription drugs, with the following exceptions: vitamins, minerals, amino acids, and fatty acids.

"Naturopathic physician" means a person who holds a current license issued under this chapter to practice naturopathy.

"Naturopathy" means the practice of:

- (1) Natural medicine, natural therapeutics, and natural procedures, for the purpose of removing toxic conditions from the body and improving the quality, quantity, harmony, balance, and flow of the vital fluids, vital tissues, and vital energy; and
- (2) Diagnosing, treating, and caring for patients using a system of practice that bases its treatment of physiological functions and abnormal conditions on natural laws governing the human body: utilizing physiological, psychological, and mechanical methods, such as air, water, light, sunshine, heat and cold, earth, phytotherapy, physiotherapy, mechano-therapy, naturopathic corrections and manipulation, and natural methods or modalities, together with natural or homeopathic medicines, natural foods, and herbs, and nature's remedies of the type taught in education and

training at naturopathic medical colleges. The practice of naturopathy excludes surgery, application of x-rays, and prescribing, dispensing, or using prescription drugs except as provided for in the definition of natural medicine.

**§455-2 Licensing application and requirements; fees.** (a) Any person desiring to practice naturopathy shall be licensed under this chapter. To obtain a license under this chapter, a person shall submit a completed application prescribed by the board, provide the information required under this chapter, rules of the board, and other applicable laws and rules, and pay a nonrefundable application fee and other fees provided in rules adopted by the director in accordance with chapter 91.

(b) To qualify for licensure, an applicant shall have met the education, examination, and other requirements prescribed by this chapter, the rules of the board, and other applicable laws and rules.

**§455-3 Education requirements.** Each applicant shall be a graduate of a school, university, or college of naturopathy that has received candidacy status with, or has been accredited by, a regional or a national accrediting body recognized by the United States Department of Education; provided that any applicant who graduated from a college of naturopathy prior to 1987 shall be deemed qualified if the college was approved by the board prior to 1987 and has been accredited by a regional or national accrediting body recognized by the United States Department of Education.

**§455-4 State board of examiners in naturopathy.** The governor shall appoint the board of examiners in naturopathy, consisting of five members. Each member shall serve until the member's successor is appointed and qualified. Three members of the board, before appointment, shall have been licensed as a naturopathic physician in the State and two shall be public members. The members of the board may elect a chairperson and a vice-chairperson who shall each serve one year or until a successor is elected.

**§455-5 REPEALED.**

**§455-6 Powers and authority of the board.** In addition to any other powers and duties authorized by law, the board may:

- (1) Adopt and use a seal to be affixed to all official acts of the board;
- (2) Adopt, amend, or repeal rules in accordance with chapter 91 to carry out the purposes of this chapter;
- (3) Develop standards for licensure;
- (4) Issue, renew, suspend, and revoke licenses and fine licensees;
- (5) Investigate and conduct hearings regarding any violation of this chapter and any rules of the board;

- (6) Maintain a record of its proceedings; and
- (7) Do all things necessary to carry out the functions, powers, and duties set forth in this chapter.

**§455-7 Examination requirements.** (a) The board shall specify the examination for licensure in its rules.

(b) The board shall contract with a professional testing agency to prepare, administer, and grade each part of the examination for licensure. Each applicant shall pass the examination that has been developed, validated, and tested for reliability by a professional testing agency selected by the board. The board shall provide in its rules the passing scores for each part of the examination.

(c) To be eligible to take the examination for licensure, an applicant shall have met the education requirements specified in section 455-3.

(d) An applicant may apply to take the examination for licensure and pay any required examination fees directly to the professional testing agency.

(e) The board shall set forth the requirements and limitations for reexamination, if any, in its rules.

**§455-8 License to practice; biennial registration.** Licenses to practice naturopathy shall be issued by the board to those who qualify according to this chapter. Naturopathic physicians licensed under this chapter shall observe and be subject to all state requirements relative to reporting births and all matters pertaining to the public health with equal rights and obligations as physicians, surgeons, and practitioners of other schools of medicine. Every licensee shall renew the licensee's license on or before December 31 of each odd-numbered year. Failure to renew the license on or before December 31 of each odd-numbered year shall automatically constitute a forfeiture of license; provided that the license shall be restored upon written application therefor together with payment of the renewal fee, all delinquent fees, and a penalty fee.

**§455-8.5 REPEALED.**

**§455-9 Penalty.** Any person except a licensed naturopathic physician who practices, attempts to practice, or advertises the practice of naturopathy, or any person who buys, sells, or fraudulently obtains any diploma or license to practice naturopathy whether recorded or not, or any person who uses the title "natureopath", "naturopath", or "N.D.", or any word or title to induce the belief that the person is engaged in the practice of naturopathy without complying with this chapter, or any person who violates this chapter, shall be fined a sum of not less than \$500 nor more than \$10,000 for each violation, which sum shall be collected in a civil action brought by the attorney general or the department on behalf of the State.

**[§455-10] Remedies or penalties cumulative.** Unless otherwise expressly provided, the remedies or penalties provided by this chapter are cumulative to each other and to the remedies or penalties available under all other laws of this State.

**§455-11 Discipline; grounds; proceedings; hearings.** (a) In addition to any other actions authorized by law, the board shall have the power to deny, revoke, suspend, or refuse to renew any license to practice naturopathy applied for or issued by the board in accordance with this chapter, and to fine or otherwise discipline a licensee for any cause authorized by law, including but not limited to the following:

- (1) Procuring, or aiding or abetting in procuring, a criminal abortion;
  - (2) Employing any person to solicit patients;
  - (3) Obtaining a fee on the assurance that a manifestly incurable disease can be permanently cured;
  - (4) Betraying a patient's confidence;
  - (5) Making any untruthful and improbable statement in advertising one's naturopathic practice or business;
  - (6) False, fraudulent, or deceptive advertising;
  - (7) Being habituated to the excessive use of drugs or alcohol; or being addicted to, dependent on, or an habitual user of a narcotic, barbiturate, amphetamine, hallucinogen, or other drug having similar effects;
  - (8) Practicing naturopathy while the ability to practice is impaired by alcohol, drug, physical disability, or mental instability;
  - (9) Procuring a license through fraud, misrepresentation, or deceit or knowingly permitting an unlicensed person to perform activities requiring a license;
  - (10) Professional misconduct or gross carelessness or manifest incapacity in the practice of naturopathy;
  - (11) Conduct or practice contrary to recognized standard of ethics of the naturopathic profession;
  - (12) Utilizing medical service or treatment which is inappropriate or unnecessary;
  - (13) Submitting to or filing with the board any notice, statement, or other document required under this chapter which is false or untrue or contains any material misstatement of fact;
  - (14) Failure to report to the board any disciplinary action taken against the licensee in another jurisdiction within thirty days after the disciplinary action becomes final;
  - (15) Using the title "physician" without clearly identifying oneself as being a naturopathic physician; and
  - (16) Violation of any provisions of this chapter or rules adopted under this chapter.
- (b) Any fine imposed by the board after a hearing in accordance with chapter 91 shall be no less than \$500 and no more than \$10,000 for each violation.

**§455-12 REPEALED.**